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IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF MONTANA - BUTTE DIVISION

COTTONWOOD )  
ENVIRONMENTAL LAW CENTER; )  
MONTANA RIVERS; and GALLATIN ) Case No. 2:20-cv-00028-BMM  
WILDLIFE ASSOCIATION, )  
 )  
*Plaintiffs,* )  
vs. )  
 )  
BIG SKY WATER AND SEWER )  
DISTRICT; BOYNE USA, INC., )  
 )  
*Defendants.* )  
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 )

Pursuant to Local Rule 7.4, Plaintiffs Cottonwood Environmental Law Center, Montana Rivers, and Gallatin Wildlife Association provide the Court with this Notice of Supplemental Authority for purposes of the pending Motion for a New Trial and Motion for the Insurance Representative to Appear at Mediation Remotely. Docs. 172 & 188. The Montana Bureau of Mining and Geology recently published the illustration below showing the Groundwater drain on Boyne's Golf Course and the Big Sky Water & Sewer District's underdrain pipe directly east of Boyne's Groundwater drain are not discharging nitrogen pollution from by a known plume.

Exhibit 1 at 23.

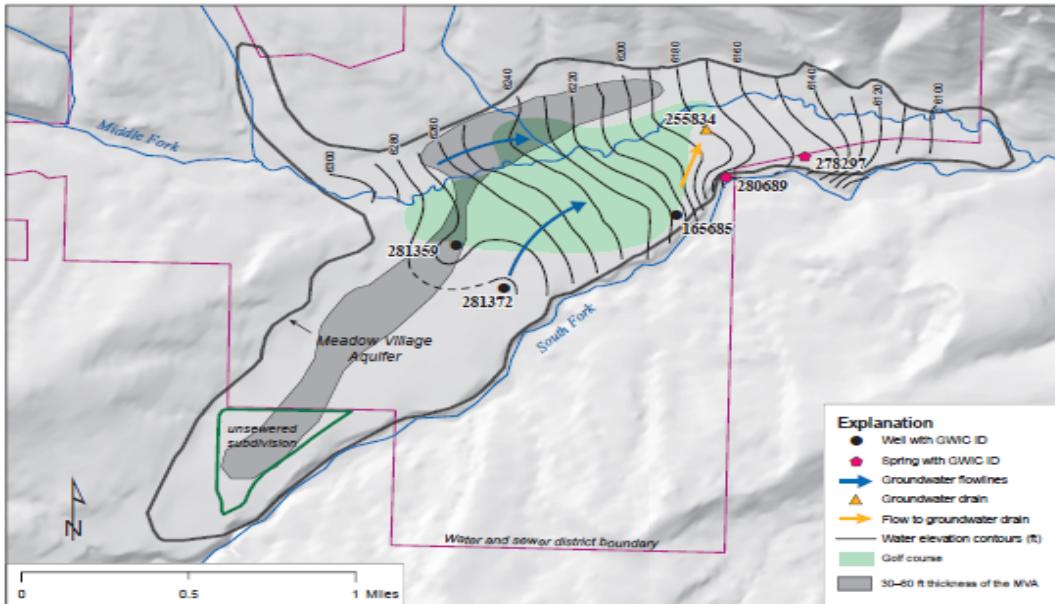


Figure 11. Potentiometric surface of the MVA groundwater generally flows west to east. The shaded area approximates a trough in the surface of the shale bedrock that forms the thickest part of the alluvial aquifer. Groundwater elevation contours are presented from Waren and others (2021).

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During trial, the Sewer District's expert testified that the leaking septic system from the Firelight Meadows subdivision is the “largest contributor” of the nitrogen pollution being discharged from its underdrain pipe. Exhibit 2; *see also* Doc. 76-5 at 15

(“there are significant sources of nitrogen to the south, including a large subdivision that discharges a secondary treated effluent directly to groundwater.”) Boyne has taken the position its insurance representative should not have to appear in-person for the mediation because “the monetary relief that Plaintiffs seek in their settlement demand is indefensible, particularly considering that a jury has already returned a verdict in favor of Big Sky Water and Sewer District (“BSWSD”) over Plaintiffs’ claim that BSWSD violated the Clean Water Act in a bifurcated trial based on practically *the same facts and issues in this case.*” Doc. 192 at 2 (emphasis added).

Respectfully submitted this 15<sup>th</sup> day of July, 2022.

/s/ John Meyer  
JOHN MEYER

*Attorney for Plaintiffs*

## CERTIFICATE OF SERVICE

I certify that on July 15, 2022, I served the foregoing brief via CM/ECF on counsel for defendants listed below:

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